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bating crime and they rarely go to the help of a police officer if he is attacked or maligned. The decisions by the courts have no doubt in some instances handicapped effective law enforcement, particularly at the local level where they are dealing with the type of crime that does not permit a long and complicated investigation, but where they have a need for immediate information in order to be able to solve their cases on the street.

It is true that at the Federal level in our jurisdiction we have to use more personnel to handle our cases because of certain restrictions on us in regard to the use of electronic devices. We want to apprehend the violators of the law but it cannot be done unless we obtain the evidence. If we cannot get the evidence by legal electronic devices, then we have to utilize a larger staff of special agents to make the investigations.

A recent opinion by the Supreme Court surprised me. They ruled a microphone we had installed on the outside of a public telephone booth in Los Angeles was illegal. We had the microphone not inside the telephone booth, not on the telephone itself, but on the outside of the booth. We were able to hear only one end of the conversation.

We knew a prominent gambler went to this phone booth to get and place bets throughout the country in violation of a Federal statute. The Court held that the use of the microphone was illegal and that the evidence so obtained could not be used.

The Court added a statement that under proper circumstances if we had sought court authority to put the microphone on it might have been an entirely legal procedure, which gives at least an indication that if Congress sees fit to pass a statute authorizing the use of electronic devices under proper controls, the Supreme Court might approve their use. (Discussed off the record.)

HERBERT APTHEKER

Mr. Bow. Will you insert in the record something on the background of Herbert Aptheker, who spoke at the College of Wooster, Wooster, Ohio?

Mr. Hoover. Yes. And his daughter is just as much of a Communist as he is. (The information follows:)

"HERBERT EUGENE APTHEKER

"Herbert Eugene Aptheker was born in July, 1915, at Brooklyn, New York. He attended Columbia University in New York City where he received a Bachelor of Science degree in 1936, a Master of Arts in 1941 and a Doctor of Philosophy in 1943. He received a Guggenheim Fellowship for history for the period 1946-47.

"Aptheker served in the United States Army from February, 1942, until April, 1946. He was discharged as a Captain and his position in the Army was Staff Intelligence Officer.

"Aptheker is married and maintains his residence at 32 Ludlam Place, Brooklyn, New York.

"At the trial of the eleven members of the National Committee of the Communist Party, USA, in August, 1949, Aptheker appeared as a defense witness. At that time he stated he knew all the defendants and that he had been a member of the Communist Party for approximately ten years. He admitted teaching in Communist Party schools during 1940, 1941, 1946 and 1947.

"Aptheker has served as the Editor of 'Political Affairs,' which is the monthly theoretical organ of the Communist Party, USA. He is currently the Director of the American Institute for Marxist Studies, 20 East 30th Street, New York City. Aptheker organized the American Institute for Marxist Studies in 1963, which he said would eventually legalize the Communist Party, USA. The stated purpose of this organization is to promote the studies of Marxism on college campuses in the United States. Aptheker has stated that the American Institute for Marxist Studies

was formed to operate in such a manner so that it could legally bring Marxist material and opinions to the attention of American scholars and the general public.

"Aptheker is currently a member of the National Committee of the Communist Party, USA, and has made numerous person appearances as a spokesman for the Communist Party in the United States and Canada. Most of these appearances have been on college campuses. He has also traveled extensively in foreign countries. During these travels, he has made speeches which were very critical of the United States policy in Vietnam.

"Aptheker was a candidate for the United States Congress from the 12th Congressional District in Brooklyn, New York, in the 1966 elections but was defeated.

"On February 6, 1966, Aptheker and his daughter, Bettina Aptheker Kurzwel who is also a member of the Communist Party, USA, appeared on a television program in Los Angeles, California. During this program Aptheker stated that if the United States were to bomb Communist China and become involved in a war with Communist China, he would do his best to oppose it. During this appearance, Aptheker stated, 'I am a Communist and have been for 26 years.'"

Mr. ROONEY. We thank you, Mr. Director, for a highly interesting and informative session. It was at some length, but every minute of it was worth while and indicates the great work that you and your associates of the Bureau are doing.

Mr. HOOVER. Thank you, Mr. Chairman.

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CUBAN INDEPENDENCE DAY, 1968

(Mr. McCORMACK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, 66 years ago today Gen. Leonard Wood, the U.S. Military Governor of Cuba, transferred the authority of the Cuban Government to Tomá's Estrada Palma, the first duly elected President of a free Cuba, and the sovereign and independent Republic of Cuba came into being. The raising of the single-star flag over the island nation was the culmination of more than 75 years of struggle by her people to free themselves from four centuries of Spanish colonial domination.

The history of Cuban independence is a history of a people's heroic and often bloody struggle and infinite self-sacrifice against an alien rule, as they sought to establish their rightful place among the world community of nations. In the early 1800's, when a revolutionary wave swept all of Spain's new world colonies, the Cuban people also felt the desire to establish themselves as a sovereign nation. Emissaries were sent to Simón Bolívar, the great liberator of Latin America, to request his aid in freeing Cuba. But Cuba's insular position and the presence of strong Spanish garrisons prevented Bolívar's forces from intervening.

The first revolt was planned in 1823, when Spanish colonial rigors became insufferable, but the leaders were discovered and exiled before they were able to initiate the revolt. Between 1848 and 1851, a series of uprisings were planned at the initiation of Narciso López, a native Venezuelan who had settled in Cuba and embraced the revolutionary cause. After his first plot was discovered, Lopez fled to the United States from where he

organized three invasive expeditions before he was overwhelmed and executed by the Spanish forces in Cuba. Although his efforts to foster a full-scale Cuban revolution failed, López's exemplary courage, determination and inspired loyalty to the cause of a free Cuba provided a renewed impetus to the Cuban people and promoted the revolutionary spirit to flare with renewed vigor.

Some 20 years later, the first military effort was inaugurated, resulting in the 10 years war. The war began on October 10, 1868, when a group of lawyers and wealthy planters met at Yara Plantation and drafted a declaration of Cuban independence. The force that began a war which was to endure in bitter struggle for 10 years consisted of 147 officers and men armed with less than one gun apiece and relying principally upon their machetes for weapons. By the end of that year, the handful of men had grown to 26,000 men under arms from all walks of Cuban life. The 10 years war was one of the longest, bloodiest and most destructive in the history of the Americas, involving a loss of 200,000 lives and hundreds of millions of dollars in property damage. It ended in 1878 in a recognition of exhaustion on both sides; but for the Cuban people, who now had totally committed themselves to the cause of independence, the resultant treaty was only a temporary truce.

The final effort of the Cuban people, the Revolution of 1895, was initiated by José Martí, called the Apostle of Cuban Independence by his adoring people, who won the respect of the entire world as a master journalist, translator, literary and art critic, orator, and Cuban patriot dedicated to the freedom of his people. We in the United States feel a special closeness to José Martí, for it was in New York City that he lived and labored for 14 years, organizing the final revolutionary movement and rallying his people both at home and in exile. Martí's beliefs in the dignity and equality of man parallel those of all citizens of the United States and the free world today, and we share with Martí his often voiced precept that "the general happiness of a people rests on individual independence."

Martí gathered together the veteran heroes of the 10 years war and struck the final blow for Cuban independence early in 1895. Soon after his landing in Cuba, he was killed in a skirmish with a Spanish patrol, but his cause had been served. Of Martí's death, a Cuban historian wrote, "José Martí died, but a people was born." The loss of their beloved leader fused the Cuban people into an adamant struggle for their freedom.

Throughout the Cubans' struggle for independence, the people of the United States had exhibited much sympathy for the Cuban cause, and popular opinion on behalf of aiding the Cuban people had swelled. However, it was not until the U.S. battleship *Maine* was mysteriously sunk in Havana Harbor that the U.S. Government suspended its neutral policies and international obligations to Spain, and embarked in the Spanish-American War. The war ended after 4 months, and resulted in U.S. possession of

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Cuba in a protectorate status until such time as the government and control of the island could be left to its people. During the following 3½ years of U.S. military occupation, the Cuban people worked fervently to restore and rehabilitate their war-torn land. On May 20, 1902, they inherited control of their beloved country under a constitution and government which they had labored to create. The dawning of their independence day was ushered in with fireworks and wild rejoicing as the village and city streets were filled with jubilant Cubans awaiting the fulfillment of a long-cherished dream.

It is easy to understand why freedom and independence meant so much to the Cuban patriots. It is easy to understand why the Cuban people endured three-quarters of a century of hardship and struggle to win their sovereignty, and why so many thousands of Cuban people gave their lives that their descendants might live in freedom and with dignity. It is not so easy to understand why Fidel Castro, pledging his loyalty to a free Cuba, has been able to establish a dictatorial state which perpetuates its power by a reign of terror. Fidel Castro has betrayed his people and the very spirit of liberty and individual dignity which won for the Cubans their independence 66 years ago.

On this anniversary of Cuban independence, we of the United States rededicate ourselves to the principles for which the Cuban patriots fought and died, and it is our deepest hope that the spirit of independence and the will to freedom which dwells deep within the hearts of the Cuban people will inspire them to triumph over the tyranny which binds them.

CLEAN AIR

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DINGELL. Mr. Speaker, I would like to call your attention to the fact that the State of California is still getting along with the same old automotive air pollution regulations it had back in 1966. It has not changed them one bit.

You may recall—I know I certainly do—that last fall, when this House debated 1967 amendments to the Clean Air Act of 1965, I was denounced from one end of California to the other as a villain who wanted to poison the air, kill off babies and old people, and prevent the residents of California from enjoying clear sunshine and invigorating, unspoiled breezes.

Friends, who know my lifelong love of the great outdoors and my constant efforts in this body in behalf of clean waters, pure air, waste disposal, and conserving nature's wonders for the enjoyment of all Americans, were astonished at the attack.

It came about because I espoused an amendment to the clean air bill of 1967 which differed from a provision in the bill as it came from the other body. The Senate bill provided that the State of California could propose regulations to

control automotive air pollution in California and, if the Secretary of Health, Education, and Welfare approved them, could enforce the regulations. Elsewhere in this land regulations promulgated by the Federal Government would apply.

My amendment proposed that the State of California could propose California regulations and, if the Secretary of Health, Education, and Welfare approved them, the Federal Government would carry them out.

That is all the difference there was—State administration or Federal administration. The automobile industry was willing to have special regulations apply in California because the smog there is perhaps thicker than anywhere else, because Californians had taken the lead in demanding controls, and because the State of California is big enough to prove out improvements in controlling automotive emissions. Improvements which succeeded in California could then be extended everywhere, especially if they had been administered in a manner compatible with nationwide application. Controls which did not work could be dropped.

In the end the House went along with the State enforcement plan. What happened next is what I want to talk about today. The story would be comic if it were not, really, rather tragic. Promptly after the Congress passed the 1967 measure, and before it was signed by the President, the executive officer of the California Motor Vehicle Pollution Control Board applied to the Secretary of Health, Education, and Welfare for a waiver of Federal controls in favor of California control and enforcement.

HEW called a hearing on California's proposals for January 15. However, effective November 8, 1967, the California Air Resources Board, which had been created by the State legislature in August, replaced the old motor vehicle pollution control board.

There was delay in assembling the new board. Gov. Ronald Reagan did not appoint the new chairman and members until early in January, and it was February 8 before any public meeting of the new board took place.

HEW, naturally, wanted to know what authority the new air resources board had to propose controls and enforce them. The record at the waiver hearing left grave doubts whether the board possessed the necessary authority to qualify for the waiver.

This caused a good deal of confusion, naturally, and the California spokesman asked for a 90-day delay. Finally, at the request of the attorney general, the California Legislature passed an enabling act in order to clarify the situation. Governor Reagan signed it into law during the last week in April. On May 1, the California Air Resources Board, armed with its new authority, submitted to the Secretary of Health, Education, and Welfare a revised waiver request. That occurred 6 months after the former motor vehicle pollution control board had filed the original request.

So there was 6 months wasted. Had the amendment which I proposed in this

House last fall been adopted and had it become law, none of this delay need have happened. The Federal Government would have had authority to accept California's proposals and enforce them in California for the benefit of the people who live in California.

I do not want to be sarcastic, Mr. Speaker, but it does seem to me that I am entitled to say something in the nature of "I told you so" considering how things have worked out. I told the House that keeping administration in the hands of the Federal Government would be the better way, and I think I was right. And I think events have shown that I was right.

The May 1 proposals of the California Air Resources Board present no novel problems to the Department of Health, Education, and Welfare. California proposes, first, to apply to 1969 models of heavy trucks in California the same standards of pollution control which HEW plans to apply generally to the 1970 models of heavy trucks. This would be an application of the testing ground principle which the automotive industry has long accepted. It would be a good thing, perhaps, to try out the truck regulations in California and if something proves wrong it can be changed.

California proposes, secondly, to apply to 1970 model passenger cars the evaporation emission controls which HEW contemplates requiring on all 1971 model cars. Originally HEW planned these controls for 1970 model cars, but it has been persuaded that makers of automobiles in West Germany, France, England, Japan, and elsewhere abroad cannot supply them before the 1971 model run. To insist on them too soon would, in effect, close the American market temporarily to certain foreign makers. HEW will reconvene the continued hearing in Los Angeles on June 5.

Perhaps it might be helpful to explain at this point what evaporation emission controls are. When automobiles are parked in hot sun some gasoline evaporates into the air from the carburetor and the fuel tank. This evaporation in bright sunshine is one of the causes of smog. If a can of charcoal is placed under the hood, and if suitable pipes and valves are arranged, the vapor will collect in the charcoal, condense, and drain back into the fuel system. The "plumbing" is pretty involved, however, and getting ready to install it takes time.

Seventeen percent of the cars purchased in California are of foreign make, and HEW will have to decide whether it is reasonable to require foreign makers to supply evaporation emission controls on 1970 model cars sold in California.

The California Air Resources Board proposes, thirdly, to apply the Federal passenger car standards for 1969 models, with the proviso that all test models submitted must pass. So there will be practically no difference in that respect between 1969 California standards and 1969 Federal standards.

One thing California might attempt, is to require smog controls on the 7 million pre-1966 model cars now in use there. Installing these would cost about \$200 per car, according to current Cali-